

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: **MAYTAG CORP. NEPTUNE WASHER
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2:04-md-1617

THIS DOCUMENT RELATES TO:

Bishop v. Maytag Corporation, et al., 2:04-cv-00921
Hennegan v. Maytag Corporation, 2:04-cv-01162
Nichols v. Maytag Corporation, et al., 6:04-cv-00346
Raniszewski v. Maytag, 2:04-cv-00922
Stys v. Maytag Corporation, 2:04-cv-01163

**STIPULATION AND MEMORANDUM OPINION AND ORDER OF VOLUNTARY
DISMISSAL WITH PREJUDICE**

Pending is the parties' Stipulation of Dismissal with Prejudice pursuant to Rule 7.6(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation [Docket #16]. Upon consideration of the Stipulation of Dismissal with Prejudice, the court **ORDERS** that the actions entitled *Bishop v. Maytag Corporation, et al.*, 2:04-cv-00921; *Hennegan v. Maytag Corporation*, 2:04-cv-01162; *Nichols v. Maytag Corporation, et al.*, 6:04-cv-00346; *Raniszewski v. Maytag*, 2:04-cv-00922; and *Stys v. Maytag Corporation*, 2:04-cv-01163 be **DISMISSED WITH PREJUDICE** pursuant to MDL Rule 7.6(a).

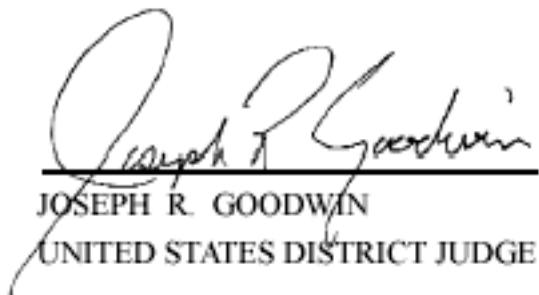
In each action named above, class allegations have been made in the complaint. Two plaintiffs, Nichols and Stys, have filed motions for class certification. The court, however, has not certified any class in this multidistrict litigation. Federal Rule of Civil Procedure 23(e)(1)(A), as amended in 2003, makes it clear that the Rule's requirement of court approval applies only to

voluntary dismissals “of the claims, issues, or defenses of a *certified class*.” Fed.R.Civ.P. 23(e)(1)(A)(emphasis added).

Accordingly, the court **ORDERS** that the actions entitled *Bishop v. Maytag Corporation, et al.*, 2:04-cv-00921; *Hennegan v. Maytag Corporation*, 2:04-cv-01162; *Nichols v. Maytag Corporation, et al.*, 6:04-cv-00346; *Raniszewski v. Maytag*, 2:04-cv-00922; *Stys v. Maytag Corporation*, 2:04-cv-01163 be **DISMISSED WITH PREJUDICE** pursuant to MDL Rule 7.6(a).

The court **DIRECTS** the Clerk to send a copy of this written opinion and order to the Clerk of the Judicial Panel on Multidistrict Litigation, plaintiffs’ counsel, and defendants’ counsel.

ENTER: May 3, 2005



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE